

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

VICKY RODRÍGUEZ TORRES, et al.

Plaintiffs

v.

GOVERNMENT DEVELOPMENT BANK
FOR PUERTO RICO, et al.

Defendants

CIVIL No. 09-1151 (JP)

TITLE VII VIOLATIONS, AGE &
SEX DISCRIMINATION, TORTS

PLAINTIFF DEMANDS A TRIAL
BY JURY

MOTION FOR SUMMARY JUDGMENT

TO THE HONORABLE COURT:

COME NOW COME NOW the individual defendants Marine Comas Torres (“Comas”), Edgardo Rodríguez Nieves (“Rodríguez”), Javier Ramos Luiña (“Ramos”), Enid López López (“López”), Luis I. Alfaro Martínez (“Alfaro”), Ángel Pérez Rivera (“Pérez”), and Naphis Torres Padró (“Torres”) (collectively referred to as the “individual defendants”), through the undersigned counsel, and very respectfully state, allege and pray as follows:

1. On February 13, 2009, Vicky Rodríguez (“plaintiff” or “Rodríguez”), Luis R. Maldonado (“Maldonado”), and their conjugal partnership filed the present complaint alleging that Rodríguez suffered age discrimination under the Age Discrimination in Employment Act, 29 U.S.C. §621 *et seq.* (“ADEA”), and Puerto Rico’s Act. No. 100 of June 30, 1959, P.R. Laws Ann. tit. 29, §151, (Act 100); sex discrimination under Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e-5, Act 100, and Puerto Rico’s Act. No. 69 of July 6, 1985, P.R. Laws Ann. tit. 29, §1321 *et seq.* (Act 69); discrimination under the Lilly Ledbetter Fair Pay Act of January 29, 2009 (“Lilly Ledbetter”); and deprivation of Rights under section 1983, 42 U.S.C. §1983, for employment discrimination and violations to the Due Process of Law. Plaintiffs also claimed compensation for

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alleged damages suffered under Article 1802 of the Puerto Rico Civil Code, P.R. Laws Ann. tit. 31, § 5141. Finally, plaintiffs asserted a violation of Rodríguez' rights to privacy and dignity under the provisions of the Article II, sections 1, 8 and 16 of the Constitution of the Commonwealth of Puerto Rico.

2. Plaintiffs include seven (7) individual defendants, to wit, Comas, Rodríguez, Ramos, López, Alfaro, Pérez, and Torres, sued in their individual and official capacities as employees of the Puerto Rico Government Development Bank ("GDB"), under both federal and state laws.

3. Notwithstanding, plaintiff's discrimination claims against the individual defendants under Title VII and ADEA should be summarily dismissed, inasmuch as these statutes do not provide for individual liability. Moreover, all of plaintiff's claims against the individual defendants, including the state law claims, are barred by the doctrine of qualified immunity, inasmuch as the individual defendants, all government officials, did not personally engage in violations of clearly established statutory or constitutional rights. Therefore, judgment should be entered in favor of the individual defendants based on the qualified immunity defense.

WHEREFORE, individual defendants respectfully request that this Honorable Court dismiss the instant case in its entirety, pursuant to Rule 56 of the Federal Rules of Civil Procedure, inasmuch as there is no issue as to any material fact and summary judgment should be entered in defendants' favor as a matter of law.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 21st day of January, 2010.

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WE HEREBY CERTIFY that on this same date, we electronically filed the foregoing with the Clerk of the Court using the CM/ECF system. Notice of this filing will be sent to all parties. Parties may access this filing through the Court's system.

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